



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

VIA ELECTRONIC MAIL

Ms. Janice Click, EH&S Manager
Felman Production, Inc.
4442 Graham Station Road
Letart, WV 25253
jclick@fpiwv.com

RE: CWA Section 308 Information Requirement

Dear Ms. Click:

The United States Environmental Protection Agency ("EPA") hereby requires that Felman Production, Inc. ("Felman Production") provide certain information regarding Felman Production located at 4442 Graham Station Road, Letart, West Virginia 25253 ("Facility"). EPA requires this information as a part of its investigation of Felman Production compliance with the Clean Water Act ("CWA"), 33 U.S.C. § 1251, and the regulations promulgated thereunder.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. Please note that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Felman Production is entitled to assert a business confidentiality claim, covering all or part of the information which this letter requires. Any such claim should be made in accordance with the procedures described at 40 C.F.R. § 2.203(b). In the event that Felman Production asserts a claim of business confidentiality with respect to any document, Felman Production should provide EPA with a redacted version of the document which does not contain any claimed business confidential information and which can be distributed to the public if requested. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the required information is provided, EPA may make this information available to the public without further notice to Felman Production.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501.

EPA is cognizant of potential worker shortages due to the COVID-19 pandemic as well as the travel and social distancing restrictions imposed by both governments and corporations or recommended by the Centers for Disease Control and Prevention to limit the spread of COVID-19. The consequences of the pandemic may affect facility operations and the availability of key staff and contractors. Due to the uncertainty surrounding the COVID-19 public health emergency, we understand that Felman Production may not have complete information at this time. In that case, Felman Production should provide within 30 days a partial response with all available information and a detailed explanation of the circumstances that prevent Felman Production from providing a complete response. Felman Production shall then submit a final response when complete information is accessible. If Felman Production submits a partial response, please indicate that a complete response will follow.

If you have any factual questions concerning this information request, please contact Mr. Chad Harsh at (215) 814-2633.

Sincerely,

Rick Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Brad Wright, WVDEP (Brad.M.Wright@wv.gov)

Philadelphia, Pennsylvania 19103-2029

INFORMATION REQUIREMENT

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the CWA, including but not limited to:
 - a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - c. any requirement under Section 308 of the CWA; and

- d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
- 3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
- 4. You may assert a business confidentiality claim covering all or part of the information submitted in response to this Requirement in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by a business confidentiality claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information submitted when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.
- 5. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).
- 6. This Information Requirement does not preclude EPA from performing inspections.

III. INSTRUCTIONS

- 7. Provide a separate narrative response for each question set forth below and for each subpart of each question.
- 8. Identify each answer with the corresponding number of the question and subpart to which it responds.
- 9. State the name, address, email address, telephone number, and occupation of each person providing responses, or contributing information to responses, to each request for information below.
- 10. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
- 11. Answer each question to the extent possible. If any question cannot be answered in full, explain why to the extent possible. If your responses are qualified in any manner, please explain.
- 12. If information or documents unknown or unavailable to you as of the date of your response to this request become known or available to you after submitting your response to the request, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.

13. Each submission pursuant to this request must be accompanied by the following certification and must be signed by a representative of Felman Production authorized to respond on behalf of that entity.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations."

Signed: _____

Title: _____

Date: _____

14. All information shall be submitted within thirty (30) days of receipt of this Information Requirement electronically to:

Chad Harsh
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency, Region III
1650 Arch Street (3ED32)
Philadelphia, PA 19103-2029
harsh.chad@epa.gov

If you are unable to send requested documentation electronically, please contact Chad Harsh via phone or email to discuss alternate delivery methods. In both your message and written response, please indicate the specific information requested by EPA that you are unable to provide electronically.

15. If you have questions regarding this Information Requirement, you may contact Chad Harsh of the Enforcement and Compliance Assurance Division at harsh.chad@epa.gov or (215) 814-2633.

V. INFORMATION REQUIREMENT

The Respondent is hereby required, pursuant to Section 308 of the CWA, 33 U.S.C § 1318, to submit the following information to EPA within thirty (30) calendar days of receipt of this Information Requirement:

16. Provide a narrative description of the Felman Production facility, including operational processes and water pollution control equipment. Include in your response a site map that includes all outfall locations.
17. Attached is a spreadsheet with effluent exceedances identified in EPA's data systems for the period July 1, 2015 through June 30, 2020 and based on discharge monitoring reports (DMR) submitted by Felman Production. Please identify any additional effluent exceedance for the period of July 1, 2015 through June 30, 2020 not identified on the spreadsheet and provide a

certification as to the accuracy of the spreadsheet and any additions pursuant to Paragraph 13.

18. For each exceedance identified in Paragraph 17, provide a detailed narrative description of the cause of the exceedance and any measure you have taken or intent to take to correct the exceedance or prevent future exceedances. Include completed or scheduled dates for each identified measure. If applicable, include non compliance notifications submitted to West Virginia Department of Environmental Protection (WVDEP).
19. Provide copies of any documents identified in or in support of your responses to questions 16-18, including copies of DMRs for violations identified in Paragraph 17.
20. Provide any additional information related to violations that impact the current compliance status at the facility, other than those exceedances identified in Paragraph 17.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: _____

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division

ATTACHMENT 1

Effluent Limit Exceedances Report

WV0000426: FELMAN PRODUCTION INC, LETART, WV 25253

Monitoring Period Date Range: 07/01/2015 to 06/30/2020

Monitoring Period Date	Outfall	Parameter Description	Limit Type	DMR Value	DMR Value Unit	Limit Value	Limit Value Unit
11/30/2015	1	pH	INST MAX	9.15	SU	9	SU
3/31/2016	101	pH	INST MAX	9.2	SU	9	SU
4/30/2016	101	pH	INST MAX	9.38	SU	9	SU
6/30/2016	1	Coliform, fecal general	MO GEOMN	660	#/100mL	200	#/100mL
6/30/2016	1	Coliform, fecal general	DAILY MX	1020	#/100mL	400	#/100mL
7/31/2016	1	Coliform, fecal general	DAILY MX	3900	#/100mL	400	#/100mL
7/31/2016	1	Coliform, fecal general	MO GEOMN	3900	#/100mL	200	#/100mL
7/31/2016	101	pH	INST MAX	9.02	SU	9	SU
9/30/2016	1	Coliform, fecal general	DAILY MX	1920	#/100mL	400	#/100mL
9/30/2016	1	Coliform, fecal general	MO GEOMN	400	#/100mL	200	#/100mL
10/31/2016	1	Coliform, fecal general	DAILY MX	580	#/100mL	400	#/100mL
11/30/2016	1	Coliform, fecal general	DAILY MX	2410	#/100mL	400	#/100mL
11/30/2016	1	Coliform, fecal general	MO GEOMN	2410	#/100mL	200	#/100mL
11/30/2016	101	pH	INST MAX	9.39	SU	9	SU
4/30/2017	1	Coliform, fecal general	DAILY MX	1590	#/100mL	400	#/100mL
4/30/2017	1	Coliform, fecal general	MO GEOMN	1590	#/100mL	200	#/100mL
4/30/2017	101	pH	INST MAX	9.21	SU	9	SU
5/31/2017	1	Coliform, fecal general	MO GEOMN	206	#/100mL	200	#/100mL
6/30/2017	1	Coliform, fecal general	DAILY MX	1650	#/100mL	400	#/100mL
7/31/2017	1	Iron, total recoverable	MO AVG	9.62	mg/L	0.91	mg/L
7/31/2017	1	Iron, total recoverable	DAILY MX	9.62	mg/L	2.7	mg/L
7/31/2017	1	Aluminum, total recoverable	MO AVG	6.4	mg/L	0.65	mg/L
7/31/2017	1	Aluminum, total recoverable	DAILY MX	6.4	mg/L	1.57	mg/L

7/31/2017	1	Lead, total recoverable	MO AVG	0.0202	mg/L	0.019	mg/L
7/31/2017	1	Chromium, hexavalent dissolved (as Cr)	MO AVG	0.0296	mg/L	0.028	mg/L
7/31/2017	1	Coliform, fecal general	DAILY MX	440	#/100mL	400	#/100mL
7/31/2017	101	Solids, total suspended	DAILY MX	226	mg/L	60	mg/L
2/28/2018	1	pH	INST MAX	9.15	SU	9	SU
2/28/2018	1	Iron, total recoverable	MO AVG	1.78	mg/L	1	mg/L
2/28/2018	1	Aluminum, total recoverable	MO AVG	1.48	mg/L	0.55	mg/L
2/28/2018	1	Lead, total recoverable	MO AVG	0.019	mg/L	0.016	mg/L
2/28/2018	101	Solids, total suspended	MO AVG	54	mg/L	50	mg/L
4/30/2018	1	Nitrogen, nitrite total (as N)	MO AVG	0.82	mg/L	0.4	mg/L
4/30/2018	101	Solids, total suspended	DAILY MX	154	mg/L	109	mg/L
4/30/2018	101	Solids, total suspended	MO AVG	154	mg/L	50	mg/L
5/31/2018	1	Coliform, fecal general	MO GEOMN	216	#/100mL	200	#/100mL
6/30/2018	1	Solids, total suspended	MO AVG	56	mg/L	51	mg/L
8/31/2018	1	pH	INST MAX	9.54	SU	9	SU
8/31/2018	1	Aluminum, total recoverable	MO AVG	0.863	mg/L	0.55	mg/L
10/31/2018	1	Cadmium, total recoverable	MO AVG	0.0004	mg/L	0.0002	mg/L
10/31/2018	1	Coliform, fecal general	MO GEOMN	3450	#/100mL	200	#/100mL
12/31/2018	1	Coliform, fecal general	MO GEOMN	368	#/100mL	200	#/100mL
1/31/2019	1	Iron, total recoverable	MO AVG	1.11	mg/L	1	mg/L
1/31/2019	1	Aluminum, total recoverable	MO AVG	0.757	mg/L	0.55	mg/L
1/31/2019	1	Cadmium, total recoverable	DAILY MX	0.0007	mg/L	0.0006	mg/L
1/31/2019	1	Cadmium, total recoverable	MO AVG	0.0007	mg/L	0.0002	mg/L
1/31/2019	1	Lead, total recoverable	MO AVG	0.0186	mg/L	0.016	mg/L
1/31/2019	1	Coliform, fecal general	DAILY MX	886	#/100mL	400	#/100mL
3/31/2019	1	Nitrogen, nitrite total (as N)	MO AVG	0.815	mg/L	0.4	mg/L
5/31/2019	1	Aluminum, total recoverable	MO AVG	0.57	mg/L	0.55	mg/L
5/31/2019	1	Coliform, fecal general	MO GEOMN	369	#/100mL	200	#/100mL
5/31/2019	1	Coliform, fecal general	DAILY MX	411	#/100mL	400	#/100mL

6/30/2019	1	Coliform, fecal general	MO GEOMN	209	#/100mL	200	#/100mL
6/30/2019	1	Coliform, fecal general	DAILY MX	2180	#/100mL	400	#/100mL
7/31/2019	1	Nitrogen, nitrite total (as N)	DAILY MX	1.37	mg/L	1.3	mg/L
7/31/2019	1	Nitrogen, nitrite total (as N)	MO AVG	1.37	mg/L	0.4	mg/L
7/31/2019	1	Cadmium, total recoverable	DAILY MX	0.0019	mg/L	0.0006	mg/L
7/31/2019	1	Cadmium, total recoverable	MO AVG	0.0019	mg/L	0.0002	mg/L
7/31/2019	1	Coliform, fecal general	DAILY MX	1190	#/100mL	400	#/100mL
7/31/2019	1	Coliform, fecal general	MO GEOMN	267	#/100mL	200	#/100mL
8/31/2019	1	Nitrogen, nitrite total (as N)	MO AVG	1.23	mg/L	0.4	mg/L
8/31/2019	1	Lead, total recoverable	MO AVG	0.017	mg/L	0.016	mg/L
10/31/2019	1	Coliform, fecal general	MO GEOMN	336	#/100mL	200	#/100mL
11/30/2019	1	pH	INST MAX	9.52	SU	9	SU
11/30/2019	1	Nitrogen, nitrite total (as N)	DAILY MX	2.4	mg/L	1.3	mg/L
11/30/2019	1	Nitrogen, nitrite total (as N)	MO AVG	2.4	mg/L	0.4	mg/L
12/31/2019	1	Iron, total recoverable	MO AVG	1.57	mg/L	1	mg/L
12/31/2019	1	Zinc, total recoverable	MO AVG	0.135	mg/L	0.12	mg/L
12/31/2019	1	Aluminum, total recoverable	MO AVG	1.26	mg/L	0.55	mg/L
12/31/2019	1	Cadmium, total recoverable	MO AVG	0.00099	mg/L	0.0002	mg/L
12/31/2019	1	Cadmium, total recoverable	DAILY MX	0.00099	mg/L	0.0006	mg/L
12/31/2019	1	Lead, total recoverable	MO AVG	0.0227	mg/L	0.016	mg/L
12/31/2019	1	Coliform, fecal general	MO GEOMN	1054	#/100mL	200	#/100mL
12/31/2019	1	Coliform, fecal general	DAILY MX	1054	#/100mL	400	#/100mL
1/31/2020	1	Nitrogen, nitrite total (as N)	MO AVG	0.41	mg/L	0.4	mg/L
1/31/2020	1	Aluminum, total recoverable	MO AVG	0.721	mg/L	0.55	mg/L
1/31/2020	1	Cadmium, total recoverable	MO AVG	0.0017	mg/L	0.0002	mg/L
1/31/2020	1	Cadmium, total recoverable	DAILY MX	0.0017	mg/L	0.0006	mg/L
1/31/2020	1	Chromium, hexavalent dissolved (as Cr)	MO AVG	0.032	mg/L	0.014	mg/L
2/29/2020	1	Iron, total recoverable	MO AVG	1.04	mg/L	1	mg/L
2/29/2020	1	Aluminum, total recoverable	MO AVG	1.02	mg/L	0.55	mg/L

2/29/2020	1	Cadmium, total recoverable	MO AVG	0.00049	mg/L	0.0002	mg/L
2/29/2020	1	Coliform, fecal general	MO GEOMN	350	#/100mL	200	#/100mL
4/30/2020	1	Coliform, fecal general	MO GEOMN	1467.4	#/100mL	200	#/100mL
4/30/2020	1	Coliform, fecal general	DAILY MX	1467.4	#/100mL	400	#/100mL